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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,769	09/22/2006	Yoshinori Endo	106003.62637US	9152
23911 7590 12/08/2010 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
EXAMINER				
TO, TUAN C				
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
12/08/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,769

Applicant(s)

ENDO ET AL.

Examiner

TUAN C. TO

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/19/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 19-23 is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (U.S. 6,636,805 B1) and in view of Himmelstein (U.S. 2004/0067752A1).

Tada discloses a navigation system/device that comprises a recording device for the history of routes travelled by the vehicle (column 8, lines 2-9), and a transmitting unit

for transmitting the running history to the transmitting center (14) (see column 8, lines 9-18).

Tada et al. merely fails to disclose a recording unit recording sent-identification information which distinguished between the drive history information having already been sent to information center device and the drive history information having not been sent.

Himmelstein discloses a vehicle system/device that includes a recording unit (41) for storing identification information about a vehicle such as license and registration (paragraph 0031), and that information has been sent along with the communication packets (50) (see paragraph 0034).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the navigation system/device as taught by Tada to include the teachings of Himmelstein for the advantage of managing, retrieving, and sending data recorded and stored during travelling along a road to an external device.

Allowable Subject Matter

As previously indicated, claims 1, and 19 are remained in a condition of allowance because neither Chojnacki nor any cited prior art of record discloses or suggests: a navigation device mountable on a moving object comprises a recording ratio calculating unit having capability of calculating a recording ratio based on the drive information having been collected by the drive information collecting unit and the drive information having been recorded by the history information recording unit; and a terminal device that comprises a unit adapted to read out the drive history information

record in the history information recording unit of the navigation device, and the recording ratio from the recording medium of the navigation device, and that unit is adapted to send the drive history information and the recording ration to the information center, and display and update charge of the map data received from the information center device.

Claim 20 is currently set in a condition of allowance because neither Chojnacki nor any cited prior art of record discloses or suggests a navigation device comprises a recording ratio calculating unit mathematically using both the drive information having been collected by the drive information collecting unit and the drive information having been recorded by the history information recording unit, to calculate a recording ratio.

As to claim 21, None of the cited references of record discloses or suggests a navigation device comprises a recording unit using the plural predetermined types of the drive history information collected as a predetermined recording target; and a number of non-pre-selected types of the drive history information which are excluded as not subject to recording according to user's directive, to calculate a recording ratio useable for discounting a charge imposed on a user. Claim 21 is now set in a condition for allowance.

As to claim 22, none of the cited references of record discloses or suggests a system comprising a navigation device having a recording medium which stores map data, an information center device which records map data, and a terminal machine which receives said map data by connecting to said information center device and updates the map data of the recording medium of said navigation device by using

received map data, wherein the information center device comprises an information selecting unit in which, when said information center device receives from said terminal machine, the drive history information with identification information being attached indicating that the information has already been sent, the information center device erases any one of such drive history information as being overlapping drive history information. For that reason, claims 22 and 23 remained allowable as indicated in the previous office action.

Response to Arguments

The applicant's request of continued examination has been fully considered. The current claims 1, and 19-23 are now set in a condition for allowance except for claim 24 is still rejected under the new cited prior art.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 3663

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner

May 21, 2010